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SUBJECT: SPAIN: VISIT OF ATTORNEY GENERAL GONZALES

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11. (SBU) Summary. Attorney General Alberto Gonzales visited Madrid on October 23-24 to meet with the Spanish Minister of Justice, the Minister of Interior, and the Spanish Prosecutor General. AG Gonzales also participated in the fourth meeting of the U.S.-Spain Bilateral Counter Terrorism Experts Working Group. He thanked Spanish interlocutors for Spain's close cooperation with the USG against international terrorists and said the USG looked forward to further improving judicial and security collaboration with Spanish authorities. AG Gonzales asked Minister of Justice Aguilar and Prosecutor General Conde Pumpido for help in explaining to the Spanish people why the U.S. undertook some of its more controversial tactics in the War on Terror. MOJ Aguilar responded that Spain fully respected the USG's decision to pursue terrorists in the manner it has chosen, but said that Spain saw terrorism as a law enforcement and political issue, not as a military one. Minister of Interior Rubalcaba told AG Gonzales the most serious issues on his agenda are stemming the flow of illegal migrants to Spain and confronting Islamist terrorism. End Summary. AG Gonzales invited Rubalcaba to visit the U.S. and we will work to identify an early opportunity for such a visit.

//MINISTER OF JUSTICE//

12. (U) Attorney General Gonzales visited Madrid on October 23-24 to coincide with the fourth meeting of the U.S.-Spain Bilateral Counter Terrorism Experts Working Group. Accompanied by the Ambassador, AG Gonzales met with Minister of Justice Juan Fernando Lopez Aguilar and Prosecutor General Candido Conde Pumpido. Conde Pumpido thanked AG Gonzales for timing his visit to coincide with the Counter Terrorism Working Group, which he said was a vital tool for removing technical impediments to improved security cooperation. AG Gonzales thanked Aguilar and Conde Pumpido for Spain's strong support for U.S. law enforcement and judicial efforts against international terrorism. Minister of Justice Aguilar said that Spain's experience in the long fight against ETA demonstrated that international cooperation was the only way to ensure victory against terrorist organizations. Aguilar said the Spanish Government realized that it faced a long-term struggle with Islamist radicalism.

13. (SBU) AG Gonzales requested the help of the Spanish authorities in explaining to the Spanish people the reasoning behind USG tactics in the War on Terror, particularly the differences in U.S. legal system and the different political viewpoints that allowed for the use of military commissions against terrorist combatants. He noted that the questioning

of military commissions was fair in countries without an extensive history of military justice, but that the long tradition of the U.S. military court system would ensure due process. Aguilar said that Spanish officials understood that it was not Spain's place to interfere with USG decisions on how to confront the terrorist threat, but that the USG approach was highly controversial in Spain and other EU countries. He noted that there was an active debate in Spain regarding the extraterritorial reach of Spanish courts. Aguilar emphasized Spain's understanding that the USG had arrived at its current anti-terrorist policies through a constitutional process and that the U.S. had a right to act as it viewed necessary.

¶4. (SBU) Prosecutor General Conde Pumpido said Spain was committed to working with USG judicial and security officials and could offer its own 40-year experience in fighting terrorists. He noted that Spain had a long tradition of military courts, but that such courts now mainly handled disciplinary issues and, in any case, were now under the ultimate authority of the civilian Prosecutor General. He said that Spain had found ways to channel all terrorism cases into the criminal court system, since labeling terrorists combatants rather than criminals simply elevated their position.

¶5. (SBU) AG Gonzales said that this represented a fundamental source of tension between the U.S. and EU positions, since the U.S. believed it was fighting a war and needed to deploy all of the tools of war in order to confront the enemy. He emphasized that the U.S. had tried many terrorist suspects in civilian courts and would continue to do so where appropriate, but would also use the military justice system in accordance with decisions taken by the President, Congress, and the courts. Minister Aguilar agreed that there were clear differences and said both sides needed to respect

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those differences. He said that Spain's unfortunate dirty war against ETA (during the Felipe Gonzalez presidency) colored the views of Spanish observers and inculcated a special appreciation of the importance of the rule of law.

¶6. (U) Following their meeting, the Minister of Justice and Prosecutor General accompanied AG Gonzales to a brief press conference. Spanish media focused on questions related to the War on Terror, but also asked AG Gonzales for his views on the ETA peace process. AG Gonzales responded that the decision on how to confront ETA was an internal Spanish matter.

//COUNTER TERRORISM WORKING GROUP//

¶7. (SBU) AG Gonzales, Aguilar, and Conde Pumpido addressed the members of the Bilateral Counter Terrorism Working Group, that included Spanish prosecutors and USG officials from the Department of Justice, FBI, and the Consular and Political sections of the Embassy. The U.S. and Spanish leaders of the Working Group presented the key developments of the two-day set of meetings, including a decision by the groups to pursue a joint investigation in a terrorism case of mutual interest and a determination to establish direct points of contact between the Spanish Prosecutor's Office and the U.S. Department of Justice.

//MINISTER OF INTERIOR RUBALCABA//

¶8. (SBU) AG Gonzalez and the Ambassador met with Minister of Interior Alfredo Perez Rubalcaba. Rubalcaba said that the most pressing issues in his portfolio were the continuing massive flow of illegal immigrants into Spain and the threat posed by Islamist extremists. Rubalcaba differentiated between ETA and Islamist terrorists, saying the Spanish authorities had gained an understanding of ETA and how to infiltrate the organization. Islamist terrorists were far more difficult to counter, since neither he nor his officials

could relate to their value system, making it difficult to forecast their intentions.

¶9. (SBU) Rubalcaba expressed gratitude for USG cooperation with Spanish law enforcement agencies. He expressed optimism that Spanish police agencies could improve their internal coordination (a long-standing problem), but said there were no coordination problems with U.S. counterparts. He noted that the Zapatero Government had recently advised Parliament of the creation of a DNA database, a database that had been donated by the FBI. Rubalcaba said it was important that the Spanish public learned of USG support for Spanish efforts against drug traffickers and other organized criminals.

¶10. (U) Attorney General Gonzales thanked Rubalcaba for Spain's cooperation on law enforcement issues and invited him to visit the U.S. Rubalcaba expressed interest in doing so, saying he had visited the U.S. while he was Minister of Education in the Gonzalez Administration, but had never visited Quantico or other law enforcement installations.

//COMMENT//

¶11. (SBU) This was a highly effective visit from the Embassy's point of view, particularly since it was the AG's first meeting with Rubalcaba. Rubalcaba has surprised the Embassy with his openness to working with the USG and his willingness to consider innovative approaches to cooperation, including asking the USG for models of civilian-military on counter terrorism and counter narcotics. The Embassy will work to find an early opportunity for Rubalcaba to visit the U.S., to help cement his readiness to engage with the USG. The AG's participation in the Working Group helped ensure that it was the most successful session of that group since its inception in 2005. It also helped us deepen our relationship with the Ministers of Justice and Interior, with whom we have a busy agenda in the coming months.

AGUIRRE